

Instrument prepared by:

VIRGINIA GAS AND OIL BOARD

Order recorded under:

CODE OF VIRGINIA**§ 45.1-361.26****VIRGINIA:****BEFORE THE GAS AND OIL BOARD****APPLICANTS:**

CNX Gas Company on behalf of Russel J.
Short et ux, Johnnie H. Short, and Buford E.
Short Case No CL10-1036. Also on behalf
of Coal Mountain Mining Co LLP and
Sylvia A. Shelton Bvrd.

DOCKET NO.**03-1021-1207-02**

Tax Map Identification Numbers For All Parcels Affected By This Order Are Shown On Exhibit A1

**RELIEF
SOUGHT:**

Issuance: A Supplemental Order for Disbursement of Escrowed Funds
Action: Amending Prior Orders Affecting Drilling Unit FF-38,
Tracts 1B, 2G, 2H, 2I and 2J.
(Referenced herein as "the Subject Drilling Unit")

Location: Tazewell County, Virginia

Action Details:

- (1) To provide a calculation of funds, Unit Operator has deposited into the Escrow Account for Drilling Unit FF-38 by Tract Sub-accounts;
- (2) To provide each applicant, in simple terms, a complete month over month Royalty Accounting of unit production, costs, taxes and proceeds, depicting variables used in the calculation of royalty payments to the unit escrow account.
- (3) To disburse unit funds to the Applicants, in accordance with their Unit Ownership Interests relative to those funds deposited by the Unit Operator into Subject Drilling Unit's Escrow Subaccount for VGOB Tract(s) identified in Table 1.

Tax Map Identification Numbers for All Parces Affected by This Order are shown on Exhibit A Pages 1-3 which is attached

REPORT OF THE BOARD**FINDINGS AND ORDER**

1. **Hearing Date and Place:** This matter came on for final hearing before the Virginia Gas and Oil Board (herein "Board") at 9:00 a.m. on April 26, 2011 at the Conference Center, Russell County Office Building, Highland Drive, Lebanon, Virginia.
2. **Appearances:** Mark Swartz for the Unit Operator; and Sharon M.B. Pigeon, Assistant Attorney General, was present to advise the Board.
3. **Jurisdiction and Notice:** Pursuant to Va. Code §§ 45.1-361.1 *et seq.*, and in particular Va. Code §§ 45.1-361.21 and 45.1-361.22, the Board finds that it has jurisdiction over the establishment and maintenance of an escrow account, with tract sub-accounts, for each of the coalbed methane gas drilling units established by the Board through its field rules that are subject to a Board pooling order. Further, the Unit Operator is required to deposit, as applicable, those funds specified in Va. Code § 45.1-361.21.D., 45.1-361.22.A.2, 45.1-361.22.A.3 and 45.1-361.22.A.4 into the applicable escrow tract subaccounts. The Board finds that: (1) while it does not have jurisdiction to resolve conflicting claims to the ownership of the Coalbed Methane Gas produced by the Unit Operator from wells located on Subject Drilling Unit, and (2) while it does not have jurisdiction to interpret agreements by and between the Gas owners/claimants and/or the Unit Operators or to abridge or contravene the provisions of such agreements, (3) pursuant to Va. Code § 45.1-361.22.A.5, the Board does have jurisdiction and authority to disburse funds from the Escrow Account provided the Board has been provided with a final decision of a court of competent jurisdiction adjudicating the ownership of coalbed methane gas as between the conflicting

4. Prior Proceedings:

- 4.1. (a) On December 18, 2003, the Board executed its order pooling interests in the Subject Drilling Unit for the production of occluded natural gas produced from coalbeds and rock strata associated therewith (herein "Gas") in accordance with the provisions of Va. Code SS 45.1-361.21 and 45.1-361.22 (herein "Pooling Order"). The Pooling Order was filed with the Clerk of the Circuit Court of Tazewell County on December 22, 2003, in Deed Book 0898 at Page 205. The Supplemental was filed with the Clerk of The Circuit Court of Tazewell County on March 14, 2005 in Deed Book 0935 at Page 0008 (hereafter all orders are collectively referred to as the "Pooling Orders").
- 4.2 To the extent claims to the Gas were in conflict, pursuant to Va. Code S 45.1-361-22 payments attributable to said conflicting claims were ordered deposited by the Unit Operator into the escrow account established by the Pooling Orders (herein "Escrow Account"). According to the Pooling Orders and testimony, the coal estate ownership interests of Coal Mountain Mining Company Limited Partnership, LLP Tract 2B and the gas ownership interests of Russel J. Short et ux (Tract 2G), Johnie H Short (Tract 2H), Buford E Short (Tract 2I and 2J) in the Subject Drilling Unit were in conflict and became subject to the escrow requirements of the Pooling Order. Additionally, the coal estate ownership interests of Coal Mountain Mining Company Limited Partnership, LLP Tract 1B and the gas ownership interests of a Sterling Ball heir Sylvia A Shelton Byrd in the Subject Drilling Unit were in conflict and became subject to the escrow requirements of the Pooling Order.
- 4.3 The Unit Operator's Miscellaneous Petition regarding Tracts 2G, 2H, 2I, and 2J, a copy of which is attached hereto and made a part hereof, states Russel J. Short et ux, Johnie H. Short and Buford E. Short are entitled to 100% of the Royalties according to the final corrected order which was entered on February 23, 2011, Case No. CL 10-1036, adjudicating the ownership of coalbed methane gas. The Unit Operator's Miscellaneous Petition regarding Tract 1B states Coal Mountain Mining Co. Limited Partnership LLP and Sylvia A shelton Bryd (an heir of Sterling Ball et al entered into a split agreement (50% / 50%) with regard to Tract 1B. That by the terms of the agreement and escrow regarding these individual conflicting claims detailed herein escrowing with the Virginia Gas and Oil Board is no longer required.
- 4.4 The Unit Operator gave notice to the applicants that the Board would consider its disbursement authorization at its hearing on April 26, 2010 to consider whether to: (1) amend the Pooling Order to provide for the disbursement a portion of funds on deposit in the Escrow Account attributable to Tracts 2G, 2H, 2I, 2J plus Tract 1B as identified in the attached miscellaneous petition (2) delete the requirement that the Unit Operator place future royalties attributable to tracts mentioned herein and the interests of Applicants identified in the miscellaneous petition in the Escrow Account, and (3) continue the escrow account under this docket number because there are other parties under this order subject to continued payments in the escrow.
- 4.5 The Unit Operator filed the attached accounting for Subject Drilling Unit's Escrow Account with the Board ("Accounting").

5. Findings:

5.1. Va. Code 45.1-361.22.5 provides:

The Board shall order payment of principal and accrued interests, less escrow account fees, from the escrow account to conflicting claimants within thirty days of receipt of notification of (i) a final decision of a court of competent jurisdiction adjudicating the ownership of coalbed methane gas as between them or (ii) an agreement among all claimants owning conflicting estates in the tracts in question or any undivided interest therein. The amount to be paid to the conflicting claimants shall be determined based on the percentage of ownership interest of the conflicting claimants as shown in the operator's supplemental filing made part of the pooling order that established the escrow account, the operator's records of deposits attributable to those tracts for which funds are being requested, and the records of the escrow account for the coalbed methane gas drilling unit. The interests of any cotenants who have not entered into an agreement shall remain in the escrow account.

5.2 Applicant has certified and represented to the Board that:

- (1) A Tazewell County decision, Case No. CL 10-1036, adjudicated the ownership of coalbed methane gas stating Russel J. Short et ux, Johnie H. Short, and Buford E. Short are entitled to 100% of the Royalties in Gas Unit FF-38 Tracts 2G, 2H, 2I, and 2J. Also, Coal Mountain Mining Company Limited Partnership, LLP and Sylvia A Shelton Byrd (an heir of Sterling Ball et al) are the owners of the coal estate and gas estate, respectively, underlying Tract 1B of the Subject Drilling Unit;

- (2) Net interests attributable and to be disbursed to Applicants are shown in Table 1.

VGOB Approved Disbursement

VGOB-03-1021-1207-02

As Given

Acceage
Fraction

Acceage
Interest

Split
Agreement

Acres

% of
Escrowed
Funds

Table 1

		Tract 2B					
Item	Tract	Disbursement Table					
						39.92661	
	1B	Coal Mountain Mining Co. Ltd. Partnership, LLP	6.7500				
1	1B	Coal Mountain Mining Co. Ltd. Partnership, LLP, P. O. Box 675, Tazewell, VA 24651		0.0134	50.0%	0.0067	0.0168%
2	1B	Sylvia A Shelton Byrd / 549 Jacks Creek Road / Raven, VA 24639	1/504	0.0134	50.0%	0.0067	0.0168%
	2G	Coal Mountain Mining Co. Ltd. Partnership, LLP	3.7600				
	2G	Coal Mountain Mining Co. Ltd. Partnership, LLP, P. O. Box 675, Tazewell, VA 24651	1.0	3.7600	0.0%	-	0.0000%
3	2G	Russell J. Short et ux / P.O. Box 363 / Swords Creek, VA 24649	1.0	3.7600	100.0%	3.7600	9.4173%
	2H	Coal Mountain Mining Co. Ltd. Partnership, LLP	10.2300				
	2H	Coal Mountain Mining Co. Ltd. Partnership, LLP, P. O. Box 675, Tazewell, VA 24651	1.0	10.2300	0.0%	-	0.0000%
4	2H	Johnie H. Short / P.O. Box 227 / Richlands VA 24641	1.0	10.2300	100.0%	10.2300	25.6220%
	2I	Coal Mountain Mining Co. Ltd. Partnership, LLP	2.9400				
	2I	Coal Mountain Mining Co. Ltd. Partnership, LLP, P. O. Box 675, Tazewell, VA 24651	1.0	2.9400	0.0%	-	0.0000%
5	2I	Buford E Short / 3929 Road Ridge Turnpike / Raven VA 24639	1.0	2.9400	100.0%	2.9400	7.3635%
	2J	Coal Mountain Mining Co. Ltd. Partnership, LLP	0.7600				
	2J	Coal Mountain Mining Co. Ltd. Partnership, LLP, P. O. Box 675, Tazewell, VA 24651	1.0	0.7600	0.0%	-	0.0000%
6	2J	Buford E Short / 3929 Road Ridge Turnpike / Raven VA 24639	1.0	0.7600	100.0%	0.7600	1.9035%

For the reasons set forth in Paragraph 4 and 5 above, and based upon the Accounting and Table 1 above, the Escrow Agent is ordered to, within 10 days of receipt of this executed order to disburse funds for the unit and applicants detailed in Table 1 above.

Exhibit E to the Pooling Order, showing owners subject to escrow, is deleted and replaced with the Exhibit E attached to this order. Further, the Supplemental Order filed in this cause is hereby modified to delete the requirement that payments attributable to the conflicting coalbed methane gas ownership interests of those applicants indicated in Table 1 be deposited by the Unit Operator into the Escrow Account, and, because there are other owners subject to escrow under the Supplemental Order, the Escrow Agent is directed to continue the Escrow Account for the Subject Drilling Unit. To the extent not specifically granted herein, any other or further relief is denied.

6. Conclusion:

Therefore, the requested relief and all terms and provisions set forth above in Paragraph 6 above be and hereby are granted and **IT IS SO ORDERED.**

7. Appeals:

Appeals of this Order are governed by the provisions of Va. Code § 45.1-361.9 which provides that any order or decision of the Board may be appealed to the appropriate circuit court and that whenever a coal owner, coal operator, gas owner, gas operator, or operator of a gas storage field certificated by the State Corporation Commission is a party in such action, the court shall hear such appeal de novo.

8. **Effective Date:** This Order shall be effective on the date of its execution.

DONE AND EXECUTED this 28 day of April, 2011, by a majority of the Virginia Gas and Oil Board.

Bradley C. Lambert
Bradley C. Lambert, Chairman
Virginia Gas and Oil Board

DONE AND PERFORMED this 28 day of April, 2011, by an Order of this Board.

David E. Asbury Jr.
David E. Asbury Jr.,
Principal Executive to the Staff
Virginia Gas and Oil Board

COMMONWEALTH OF VIRGINIA)
COUNTY OF RUSSELL

Acknowledged on this 28th day of April, 2011, personally before me a notary public in and for the Commonwealth of Virginia, appeared Bradley C. Lambert, being duly sworn did depose and say that he is the Chairman of the Virginia Gas and Oil Board and David E. Asbury Jr., being duly sworn did depose and say that he is Principal Executive to the Staff of the Virginia Gas and Oil Board, that he executed the same and was authorized to do so.

Diane J. Davis
Diane J. Davis
Notary Public #174394

My commission expires: 09/30/13



BEFORE THE VIRGINIA GAS AND OIL BOARD

6K1094PG0710

PETITIONER: CNX Gas Company LLC

DIVISION OF GAS AND OIL
DOCKET NO: VGOB 03-1021-1207-02

RELIEF SOUGHT: (1) DISBURSEMENT FROM
ESCROW REGARDING TRACT(S) 1B, 2G, 2H, 2I, and 2J
(2) AND AUTHORIZATION FOR DIRECT
PAYMENT OF ROYALTIES

HEARING DATE: April 19, 2011
26

DRILLING UNIT: FF-38

TAZEWELL COUNTY, VIRGINIA

MISCELLANEOUS PETITION

1. Petitioner and its counsel: Petitioner is CNX Gas Company LLC, 2481 John Nash Boulevard, Bluefield, West Virginia 24701, 304/323-6500. Petitioner's counsel is Mark A. Swartz, **SWARTZ LAW OFFICES, PLLC.**, 601 Sixth Avenue, Suite 201, P.O. Box 1808, St. Albans, WV 25177-1808.

2. Relief sought: (1) the disbursement of escrowed funds heretofore deposited with the Board's Escrow Agent(s) attributable to Tract(s) 1B, 2G, 2H, 2I, and 2J as depicted upon the annexed Exhibit A-1; and (2) authorization to begin paying royalties directly to the prevailing plaintiffs; Russel J. Short, et ux, Johnie H. Short, and Buford E. Short. In addition, authorization to begin paying royalties directly to the parties to the royalty split between Coal Mountain Mining Co., LLP and Sylvia A. Shelton Byrd

3. Legal Authority: Va. Code Ann. § 45.1-361.1 et seq., 4 VAC 25-160-140., and relevant Virginia Gas and Oil Board Orders ("Board") heretofore promulgated pursuant to law.

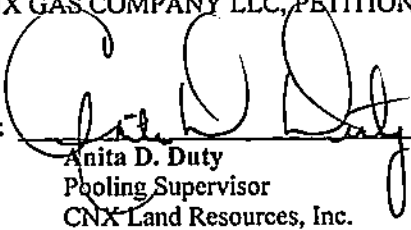
4. Type of well(s): Coalbed methane.

5. Factual basis for relief requested: Russel J. Short, et ux, Johnie H. Short, and Buford E. Short are entitled to 100% of the Royalties according to the final corrected order which was entered on February 23, 2011, Case No:CL10-1036, adjudicating the ownership of coalbed methane gas. This order allows the Applicant and Designated Operator to pay royalties directly to the prevailing plaintiffs identified in Exhibit EE annexed hereto and the annexed Exhibit A-1, further, specifies how said royalties are to be paid. In addition, authorization to begin paying royalties directly to the parties to the royalty split agreement(s) between Coal Mountain Mining Co., LLP and Sylvia A. Shelton Byrd have entered into a royalty split agreement(s). The annexed Exhibit A-1, further, specifies how said royalties are to be divided and paid.

6. Attestation: The foregoing Petition to the best of my knowledge, information, and belief is true and correct.

CNX GAS COMPANY LLC
BY ITS PROFESSIONAL MANAGER
CNX GAS COMPANY LLC, PETITIONER

By:


Anita D. Duty
Pooling Supervisor
CNX Land Resources, Inc.
2481 John Nash Blvd.
Bluefield, West Virginia 24701

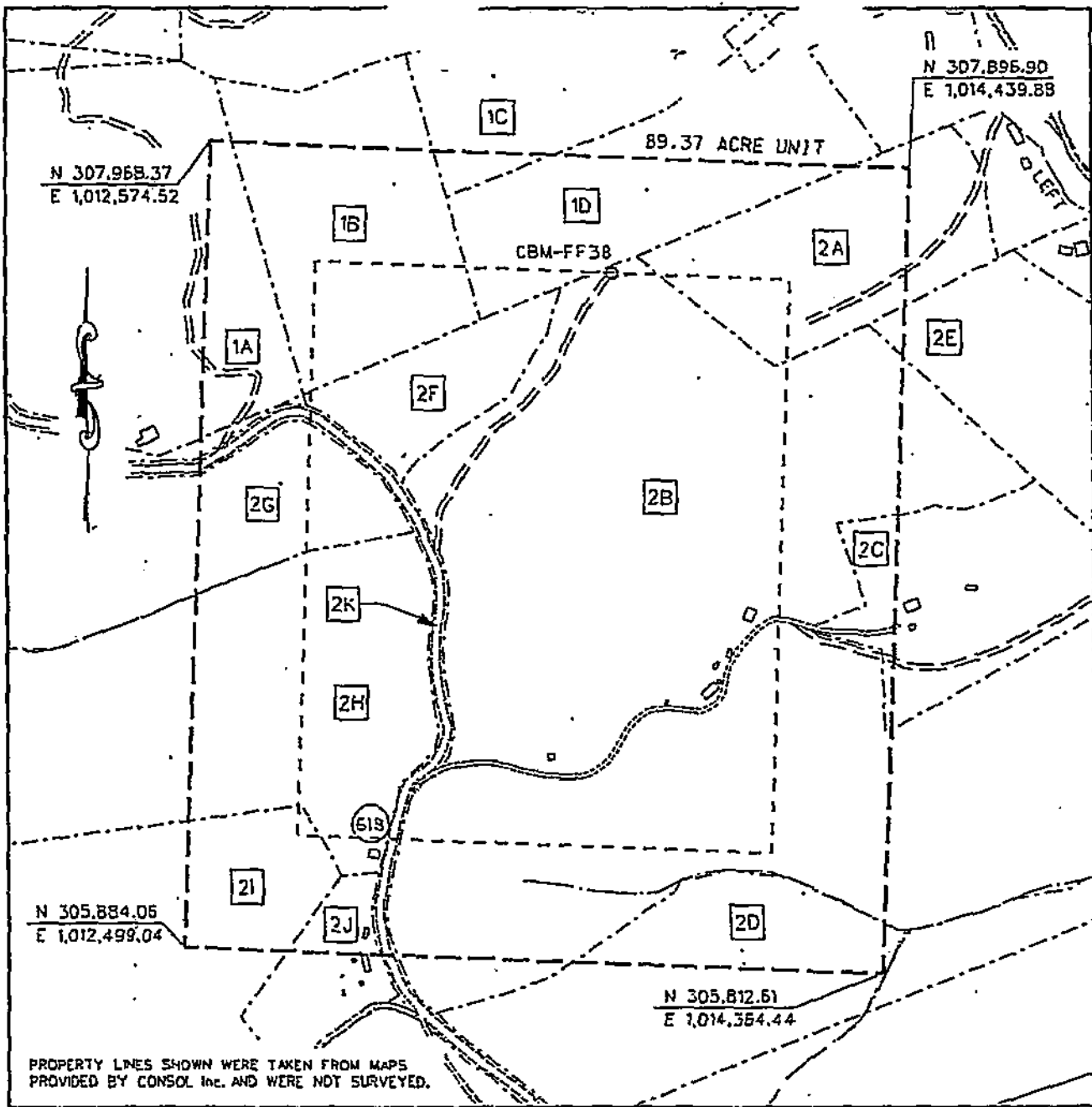


EXHIBIT A
OAKWOOD FIELD UNIT FF-38
FORCE POOLING
VGOB-03-1021-1207

Company CNX Gas Company LLC Well Name and Number UNIT FF38
Tract No. _____ Elevation _____ Quadrangle Keokuk Mountain
County Tazewell District Maiden Springs Scale: 1" = 400' Date 9/19/05
This plot is a new plot X ; on updated plot _____ ; or a final plot _____

Form DGD-60-7
Rev. 9/91

Charles B. May
Licensed Professional Engineer & Licensed Land Surveyor

(Affix Seal)

CNX Gas Company LLC**UNIT FF-38****Tract Identifications**

- 1A. Coal Mountain Mining Co. Limited Partnership, LLP Tr. 18 - Coal Consolidation Coal Company - Below Drainage Coal Leased
CNX Gas Company LLC - Oil, Gas, CBM Leased
Jerry T. Absher, et ux - Surface and All Minerals except Coal
(Tax Map 84 Parcel 6)
2.89 acres 3.2337%
- 1B. Coal Mountain Mining Co. Limited Partnership, LLP Tr. 18 - Coal Consolidation Coal Company - Below Drainage Coal Leased
CNX Gas Company LLC - CBM Leased
Sterling Ball, et al - Surface and All Minerals except Coal
(Tax Map 84 Parcel 3)
6.75 acres 7.5529%
- 1C. Coal Mountain Mining Co. Limited Partnership, LLP Tr. 18 - Coal Consolidation Coal Company - Below Drainage Coal Leased
CNX Gas Company LLC - Oil, Gas, CBM Leased
Robert E. Cordill, et al - Surface and All Minerals except Coal
(Tax Map 84 Parcel 2)
0.44 acres 0.4923%
- 1D. Coal Mountain Mining Co. Limited Partnership, LLP Tr. 18 - Coal Consolidation Coal Company - Below Drainage Coal Leased
CNX Gas Company LLC - Oil, Gas, CBM Leased
Earl J. Cordill, et ux - Surface and All Minerals except Coal
(Tax Map 84 Parcel 1)
5.11 acres 5.7178%
- 2A. Coal Mountain Mining Co. Limited Partnership, LLP Tr. 40 - Coal Consolidation Coal Company - Below Drainage Coal Leased
Knox Creek Coal Corporation - Above Drainage Coal Leased
CNX Gas Company LLC - Oil, Gas, CBM Leased
Betty J. Short, et al - Surface and All Minerals except Coal
(Tax Map 84 Parcel 92A)
5.17 acres 5.7849%
- 2B. Coal Mountain Mining Co. Limited Partnership, LLP Tr. 40 - Coal Consolidation Coal Company - Below Drainage Coal Leased
Knox Creek Coal Corporation - Above Drainage Coal Leased
CNX Gas Company LLC - Oil, Gas, CBM Leased
James M. Short, et al - Surface and All Minerals except Coal
(Tax Map 84 Parcel 92)
41.85 acres 46.8278%

CNX Gas Company LLC

UNIT FF-38

Tract Identifications

- 2C. Coal Mountain Mining Co. Limited Partnership, LLP Tr. 40 - Coal Consolidation Coal Company - Below Drainage Coal Leased
Knox Creek Coal Corporation - Above Drainage Coal Leased
CNX Gas Company LLC - Oil, Gas, CBM Leased
Carl N. Ball, et ux - Surface and All Minerals except Coal
CNX Gas Company LLC - Oil, Gas and CBM Leased
(Tax Map 84 Parcel 93)
1.10 acres 1.2308%
- 2D. Coal Mountain Mining Co. Limited Partnership, LLP Tr. 40 - Coal Consolidation Coal Company - Below Drainage Coal Leased
Knox Creek Coal Corporation - Above Drainage Coal Leased
CNX Gas Company LLC - Oil, Gas, CBM Leased
Carl N. Ball, et ux - Surface and All Minerals except Coal
CNX Gas Company LLC - Oil, Gas and CBM Leased
(Tax Map 84 Parcel 91)
3.31 acres 3.7037%
- 2E. Coal Mountain Mining Co. Limited Partnership, LLP Tr. 40 - Coal Consolidation Coal Company - Below Drainage Coal Leased
Knox Creek Coal Corporation - Above Drainage Coal Leased
CNX Gas Company LLC - CBM Leased
Wanda Simmons, et al - All Minerals except Coal
Knox Creek Carbon Co. - Surface
(Tax Map 84 Parcel 93)
0.14 acres 0.1567%
- 2F. Coal Mountain Mining Co. Limited Partnership, LLP Tr. 40 - Coal Consolidation Coal Company - Below Drainage Coal Leased
Knox Creek Coal Corporation - Above Drainage Coal Leased
CNX Gas Company LLC - CBM Leased
David E. Short - Surface and All Minerals except Coal
(Tax Map 84 Parcel 99)
3.17 acres 3.5471%
- 2G. Coal Mountain Mining Co. Limited Partnership, LLP Tr. 40 - Coal Consolidation Coal Company - Below Drainage Coal Leased
Knox Creek Coal Corporation - Above Drainage Coal Leased
CNX Gas Company LLC - CBM Leased
Russell J. Short, et ux - Surface and All Minerals except Coal
(Tax Map 84 Parcel 7)
3.76 acres 4.2072%

CNX Gas Company LLC

UNIT FF-38

Tract Identifications

- 2H. Coal Mountain Mining Co. Limited Partnership, LLP Tr. 40 - Coal Consolidation Coal Company - Below Drainage Coal Leased
Knox Creek Coal Corporation - Above Drainage Coal Leased
CNX Gas Company LLC - CBM Leased
Johnie H. Short - Surface and All Minerals except Coal
(Map 84 Parcel 8)
10.23 acres 11.4468%
- 2I. Coal Mountain Mining Co. Limited Partnership, LLP Tr. 40 - Coal Consolidation Coal Company - Below Drainage Coal Leased
Knox Creek Coal Corporation - Above Drainage Coal Leased
CNX Gas Company LLC - CBM Leased
Buford E. Short, et ux - Surface and All Minerals except Coal
(Tax Map 84 Parcel 10)
2.94 acres 3.2897%
- 2J. Coal Mountain Mining Co. Limited Partnership, LLP Tr. 40 - Coal Consolidation Coal Company - Below Drainage Coal Leased
Knox Creek Coal Corporation - Above Drainage Coal Leased
CNX Gas Company LLC - CBM Leased
Buford E. Short - Surface and All Minerals except Coal
(Tax Map 84 Parcel 9)
0.76 acres 0.8504%
- 2K. Coal Mountain Mining Co. Limited Partnership, LLP Tr. 40 - Coal Consolidation Coal Company - Below Drainage Coal Leased
Knox Creek Coal Corporation - Above Drainage Coal Leased
CNX Gas Company LLC - CBM Leased
Commonwealth of Virginia - Surface and All Minerals except Coal
(Tax Map 84 Parcel 8)
1.75 acres 1.9582%

EX 1094 PG 0715

Exhibit E
Unit FF-38
Docket #VGOB 03-1021-1207-02
List of Conflicting Owners/Claimants that require escrow
(89.37 Acre Unit)

	Acres in Unit	Interest in Unit
<u>Tract #1A, 2.89 acres</u>		
<u>COAL OWNERSHIP</u>		
(1) Coal Mountain Mining Company, Tr.18 Limited Partnership, L.L.P. P.O. Box 675 Tazewell, VA 24651	2.89 acres	3.2337%
<u>OIL & GAS OWNERSHIP</u>		
(1) Jerry T. Absher, et ux. 4276 Roadridge TPK Raven, VA 24639	2.89 acres	3.2337%
<u>Tract #1B, 6.75 acres</u>		
<u>COAL OWNERSHIP</u>		
(1) Coal Mountain Mining Company, Tr.18 Limited Partnership, L.L.P. P.O. Box 675 Tazewell, VA 24651	6.75 acres	7.5529%
<u>OIL & GAS OWNERSHIP</u>		
Sterling Ball, et al.	6.75 acres	7.5529%
(1) Sterling Ball 2580 West Mountain Street Kernersville, NC 27284	2.89 acres 3/7 of 6.75 acres	3.2369%
(2) Charlotte Ball Compton 1280 Timbercliff Mansfield, OH 44907	0.96 acres 1/7 of 6.75 acres	1.0790%
(3) Lenwood Ball (Lenward) Heirs, Devisees, Successors or Assigns Heirs/Addresses Unknown	***See note below	
(4) Exie Ball Johnson Heirs, Devisees, Successors or Assigns		
(a) Marvin Cline 159 Dakota Drive Raven, VA 24639	0.07 acres 1/91 of 6.75 acres	0.0830%
(b) Anna Mae Absher 757 Fork Ridge Rd. Raven, VA 24639	0.07 acres 1/91 of 6.75 acres	0.0830%
(c) Otis Johnson 6641 Banner Lake Circle, Apt. 9203 Orlando, FL 32821	0.07 acres 1/91 of 6.75 acres	0.0830%

Exhibit E
Unit FF-38
Docket #VGOB 03-1021-1207-02
List of Conflicting Owners/Claimants that require escrow
(89.37 Acre Unit)

	Acres in Unit	Interest In Unit
(d) Bobby Johnson 105 Bentwood Road Raven, VA 24639	0.07 acres 1/91 of 6.75 acres	0.0830%
(e) Johnny Johnson 138 Almond Lane Raven, VA 24639	0.07 acres 1/91 of 6.75 acres	0.0830%
(f) Harold Cline P.O. Box 660 Raven, VA 24639	0.07 acres 1/91 of 6.75 acres	0.0830%
(g) Peggy Burke (Ford) 241 Birch St. Raven, VA 24639	0.07 acres 1/91 of 6.75 acres	0.0830%
(h) Betty Lawson Heirs, Devisees, Successors or Assigns		
(h.1) Donnie B. Lawson, Jr. <i>Address Unknown</i>	0.02 acres 1/273 of 6.75 acres	0.0277%
(h.2) James Lawson <i>Address Unknown</i>	0.02 acres 1/273 of 6.75 acres	0.0277%
(h.3) Ivy Houchins 712 Shamrock Rd. Charlottesville, VA 22903	0.02 acres 1/273 of 6.75 acres	0.0277%
(i) Ruth Short PO Box 291 Doran, VA 24612	0.07 acres 1/91 of 6.75 acres	0.0830%
(j) Lucille Sisk PO Box 275 Pounding Mill, VA 24637	0.07 acres 1/91 of 6.75 acres	0.0830%
(k) Lois Mays Rt. 1 Box 603 Swords Creek, VA 24649	0.07 acres 1/91 of 6.75 acres	0.0830%
(l) Maxine Ward Box 26 Red Ash, VA 24640	0.07 acres 1/91 of 6.75 acres	0.0830%
(m) Roger Johnson Heirs, Devisees, Successors or Assigns		
(m.1) Nancy Johnson Heirs, Devisees, Successors or Assigns		
(m.1.1) Ralph Randall Johnson 116 Hopkins St. N. Tazewell, VA 24630	0.04 acres 1/182 of 6.75 acres	0.0415%

EN1094PG0717

Exhibit E
Unit FF-38

Docket #VGOB 03-1021-1207-02

List of Conflicting Owners/Claimants that require escrow
(89.37 Acre Unit)

	Acres in Unit	Interest in Unit
(m.1.2) Nancy Carol Sharp 21 Cottonwood Lane Hill Hillsville, VA 24343	0.04 acres 1/182 of 6.75 acres	0.0415%
(5) Raleigh Ball Heirs, Devisees, Successors or Assigns		
(a) June Horn Heirs, Devisees, Successors or Assigns		
(a.1) Gary Horn Box 528 Cedar Bluff, VA 24609	0.03 acres 1/196 of 6.75 acres	0.0385%
(a.2) Michael Horn 2173 Old Hwy. 19 Cedar Bluff, VA 24609	0.03 acres 1/196 of 6.75 acres	0.0385%
(a.3) Gerald Horn 1109 Harbor St. Cedar Bluff, VA 24609	0.03 acres 1/196 of 6.75 acres	0.0385%
(a.4) Rita Wimmer PO Box 12 Pounding Mill, VA 24637	0.03 acres 1/196 of 6.75 acres	0.0385%
(b) Ota Gay Vandyke 134 Scotch Rd. Raven, VA 24639	0.14 acres 1/49 of 6.75 acres	0.1541%
(c) Herby Ball 125 Albert Rd. Stokesdale, NC 27357	0.14 acres 1/49 of 6.75 acres	0.1541%
(d) Hermas Ball 8609 McGuire Rd. (PO Box 841) Kemersville, NC 24284	0.14 acres 1/49 of 6.75 acres	0.1541%
(e) Betty Hinkle P.O. Box 2326 Cedar Bluff, VA 24609	0.14 acres 1/49 of 6.75 acres	0.1541%
(f) Raleigh Ball, Jr. 405 River Birch Drive Vass, NC 28394	0.14 acres 1/49 of 6.75 acres	0.1541%
(g) Ilean Bostic Heirs, Devisees, Successors or Assigns		
(g.1) John L. Bostic Address Unknown		Life Estate
(g.2) Greg Bostic 553 Cedar Creek Dr. Pounding Mill, VA 24631	0.14 acres 1/49 of 6.75 acres	0.1541%

BK 1094PG0718

Exhibit E
Unit FF-38

Docket #VGOB 03-1021-1207-02

List of Conflicting Owners/Claimants that require escrow
(89.37 Acre Unit)

	Acres in Unit	Interest in Unit
(6) Ida Ball Stilwell Heirs, Devisees, Successors or Assigns		
(a) Beulah V. Osborne c/o Vivian Osborne, POA Box 500 Oakwood, VA 24631	0.12 acres 1/56 of 6.75 acres	0.1349%
(b) Exie Osborne Heirs, Devisees, Successors or Assigns		
(b.1) John Lee Osborne Box 6 Shortt Gap, VA 24647	0.02 acres 1/280 of 6.75 acres	0.0270%
(b.2) Maxie Boyd Box 972 Raven, VA 24639	0.02 acres 1/280 of 6.75 acres	0.0270%
(b.3) Ruth Osborne Smith Box 672 Doran, VA 24612	0.02 acres 1/280 of 6.75 acres	0.0270%
(b.4) Judy Blankenship Box 221 Doran, VA 24612	0.02 acres 1/280 of 6.75 acres	0.0270%
(b.5) Ida Proffitt Box 6 Shortt Gap, VA 24647	0.02 acres 1/280 of 6.75 acres	0.0270%
(c) Arthur M. Stilwell PO Box 314 Raven, VA 24639	0.12 acres 1/56 of 6.75 acres	0.1349%
(d) Flossie Stilwell Osborne Heirs, Devisees, Successors or Assigns		
(d.1) Arlin W. Osborne Heirs, Devisees, Successors or Assigns		
(d.1.1) Mary Jane Osborne PO Box 466 Raven, VA 24639	0.01 acres 1/504 of 6.75 acres	0.0150%
(d.2) Daniel J. Osborne 1068 Harvest Moon Rd. Raven, VA 24639	0.01 acres 1/504 of 6.75 acres	0.0150%
(d.3) Marvin J. Osborne P. O. Box 1607 Cedar Bluff, VA 24609	0.01 acres 1/504 of 6.75 acres	0.0150%
(d.4) Hubbard Osborne 3195 Osborne Mtn. Rd. Raven, VA 24639	0.01 acres 1/504 of 6.75 acres	0.0150%

Docket #VGOB 03-1021-1207-02
List of Conflicting Owners/Claimants that require escrow
(89.37 Acre Unit)

	Acres in Unit	Interest in Unit
(d.5) Jackie D. Osborne 1995 Altizer Rd. Raven, VA 24639	0.01 acres 1/504 of 6.75 acres	0.0150%
(d.6) Jerline Davis 118 Coronado Rd. N. Tazewell, VA 24630	0.01 acres 1/504 of 6.75 acres	0.0150%
(d.7) Sylvia A. Shelton Byrd 549 Jacks Creek Road Raven, VA 24639	0.01 acres 1/504 of 6.75 acres	0.0150%
(d.8) Lois Casey 134 Robert St., Lot 8 Richlands, VA 24641	0.01 acres 1/504 of 6.75 acres	0.0150%
(d.9) Linda S. Shelton PO Box 521 Pounding Mill, VA 24637	0.01 acres 1/504 of 6.75 acres	0.0150%
(e) Sylvester Stilwell Heirs, Devisees, Successors or Assigns		
(e.1) Cora Stilwell Arnold Heirs, Devisees, Successors or Assigns		
(e.1.1) James H. Arnold 1134 Pump House Rd. Grundy, VA 24614	0.04 acres 1/168 of 6.75 acres	0.0450%
(e.2) Jay C. Stilwell Heirs, Devisees, Successors or Assigns		
(e.2.1) Connie Stilwell, widow P. O. Box 723 Raven, VA 24639	0.01 acres 1/504 of 6.75 acres	0.0150%
(e.3) Curtis Stilwell P.O. Box 2216 Cedar Bluff, VA 24609	0.01 acres 1/504 of 6.75 acres	0.0150%
(e.4) Leonard C. Stilwell P. O. Box 932 Raven, VA 24639	0.01 acres 1/504 of 6.75 acres	0.0150%
(e.5) Theodore Stilwell HC 66 Box 112A Whitewood, VA 24657	0.01 acres 1/504 of 6.75 acres	0.0150%
(e.6) Bessie Lowe P. O. Box 47 Shortt Gap, VA 24647	0.01 acres 1/504 of 6.75 acres	0.0150%
(e.7) Wanda Hagy Box 1738 Richlands, VA 24641	0.01 acres 1/504 of 6.75 acres	0.0150%

Docket #VGOB 03-1021-1207-02
List of Conflicting Owners/Claimants that require escrow
(89.37 Acre Unit)

	Acres in Unit	Interest in Unit
(f) Charles Stilwell Heirs, Devisees, Successors or Assigns		
(f.1) Bernadine R. Lisburg 1418 First Avenue South Fargo, ND 58103		<i>Life Estate</i>
(f.2) David W. Stilwell 507 E. Minnesota #107 Rapid City, SD 57701	0.002 acres 1/3024 of 6.75 acres	0.0025%
(f.3) Thomas H. Stilwell 27 Horseshoe Trailer Ct. Horace, ND 58047-5718	0.002 acres 1/3024 of 6.75 acres	0.0025%
(f.4) Quentin A. Stilwell P. O. Box 154 Rhome, ND 58651	0.002 acres 1/3024 of 6.75 acres	0.0025%
(f.5) Gladys E. Pollert 1211 29th Street North Fargo, ND 58102	0.002 acres 1/3024 of 6.75 acres	0.0025%
(f.6) Daniel J. Stilwell D77 El Rancho Trailer Ct. Mandan, ND 58554	0.002 acres 1/3024 of 6.75 acres	0.0025%
(f.7) Bernice R. Lamb 2124 Country Road 116 International Falls, MN 56649	0.002 acres 1/3024 of 6.75 acres	0.0025%
(g) Elmer Stilwell Heirs, Devisees, Successors or Assigns		
(g.1) Virginia N. Stilwell, widow 1106 Dial Rd. Raven, VA 24639	0.12 acres 1/56 of 6.75 acres	0.1349%
(h) Raleigh Stilwell Heirs, Devisees, Successors or Assigns		
(h.1) Martha J. aka Juanita Stilwell P.O. Box 54 Raven, VA 24639	0.12 acres 1/56 of 6.75 acres	0.1349%
(7) John Ball Heirs, Devisees, Successors or Assigns		
(a) Goldie Ball Compton <i>Address Unknown</i>	***See note below	
(b) Clayton Compton <i>Address Unknown</i>	***See note below	
*** Undetermined Interests	0.11 acres 1/63 of 6.75 acres	0.1199%

BA1094PG0721

Exhibit E
Unit FF-38

Docket #VGOB 03-1021-1207-02

List of Conflicting Owners/Claimants that require escrow
(89.37 Acre Unit)

	Acres in Unit	Interest in Unit
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*** Ownership determined by Court Decree of March 15, 2000 in the Circuit Court of Tazewell County, Sterling G. Ball vs. Marvin Cline, et al. The ownership set forth by decree does not total to 100% and does not provide for the interests of Goldie Ball Compton, Lenward Ball and Clayton Compton, who were not parties to the suit and whose individual interests must be determined by the Circuit Court.

Tract #1C, 0.44 acresCOAL OWNERSHIP

(1) Coal Mountain Mining Company, Tr.18 Limited Partnership, L.L.P. P.O. Box 675 Tazewell, VA 24651	0.44 acres	0.4923%
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OIL & GAS OWNERSHIP

(1) Robert E. Cordill P.O. Box 87 Raven, VA 24639	0.44 acres	0.4923%
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Tract #1D, 5.11 acresCOAL OWNERSHIP

(1) Coal Mountain Mining Company, Tr.18 Limited Partnership, L.L.P. P.O. Box 675 Tazewell, VA 24651	5.11 acres	5.7178%
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OIL & GAS OWNERSHIP

(1) Earl J. Cordill, et ux. P.O. Box 421 Doran, VA 24612	5.11 acres	5.7178%
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Tract #2A, 5.17 acresCOAL OWNERSHIP

(1) Coal Mountain Mining Company, Tr.40 Limited Partnership, L.L.P. P.O. Box 675 Tazewell, VA 24651	5.17 acres	5.7849%
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OIL & GAS OWNERSHIP

(1) Betty J. Short, et al.	5.17 acres	5.7849%
(a) Betty J. Short 411 Kents Ridge Road Richlands, VA 24641	3.88 acres 3/4 of 5.17 acres	4.3387%
(b) Charles G. Rakes Rt.3 Box 108A Tazewell, VA 24651	1.29 acres 1/4 of 5.17 acres	1.4462%

BK 1094960722

Exhibit E
Unit FF-38

Docket #VGOB 03-1021-1207-02

List of Conflicting Owners/Claimants that require escrow
(89.37 Acre Unit)

	Acres in Unit	Interest in Unit
<u>Tract #2E, 0.14 acres</u>		
<u>COAL OWNERSHIP</u>		
(1) Coal Mountain Mining Company, Tr.40 Limited Partnership, L.L.P. P.O. Box 675 Tazewell, VA 24651	0.14 acres	0.1567%
<u>OIL & GAS OWNERSHIP</u>		
(1) Wanda Simmons, et al. (aka Mary Jane Short Heirs, Devisees, Successors or Assigns)	0.14 acres	0.1567%
(a) Maude Murray 1234 1/2 N. F Street Muscokee, OK 74403 (Deceased - documentation pending)	0.01 acres 7/96 of 0.14 acres	0.0114%
(b) Ruby Boice 1409 Old Manor Road Chesapeake, VA 23323 (Deceased - documentation pending)	0.01 acres 7/96 of 0.14 acres	0.0114%
(c) Millie Campbell 216 Cassidy Avenue Virginia Beach, VA 23452	0.01 acres 7/96 of 0.14 acres	0.0114%
(d) Carolyn Phelps Heirs, Devisees, Successors or Assigns		
(d.1) Robert L. Phelps, widower 3108 Sterling Way Portsmouth, VA 23703	0.01 acres 7/96 of 0.14 acres	0.0114%
(e) George H. Short 806 Nottingham Road Portsmouth, VA 23703 (Deceased - documentation pending)	0.01 acres 7/96 of 0.14 acres	0.0114%
(f) James H. Short 622 Chandler Harper Drive Portsmouth, VA 23701 (Deceased - documentation pending)	0.01 acres 7/96 of 0.14 acres	0.0114%
(g) Donald Blaine Short 4404 Point West Drive Portsmouth, VA 23703	0.01 acres 7/96 of 0.14 acres	0.0114%
(h) Alfred V. Short Heirs, Devisees, Successors or Assigns		
(h.1) Alfred V. Short, Jr. 109 Wyoming Avenue Portsmouth, VA 23701	0.003 acres 7/288 of 0.14 acres	0.0038%

BK 1094PG0723

Exhibit E
Unit FF-38

Docket #VGOB 03-1021-1207-02

List of Conflicting Owners/Claimants that require escrow
(89.37 Acre Unit)

	Acres in Unit	Interest in Unit
(h.2) Cheryl Wood 13 California Avenue Portsmouth, VA 23701	0.003 acres 7/288 of 0.14 acres	0.0038%
(h.3) Patricia Clark 6101 #B College Drive Suffolk, VA 23435	0.003 acres 7/288 of 0.14 acres	0.0038%
(i) Daniel A. Short Heirs, Devisees, Successors or Assigns		
(i.1) Delmar Short (spouse) 2741 Martha Drive Chesapeake, VA 23323	0.003 acres 7/288 of 0.14 acres	0.0038%
(i.2) Dennis Short 1421 Old Manor Road Chesapeake, VA 23323	0.001 acres 1/144 of 0.14 acres	0.0011%
(i.3) Dwayne Short 2106 Wyoming Avenue Portsmouth, VA 23701	0.001 acres 1/144 of 0.14 acres	0.0011%
(i.4) David Short 110 Daphne Dr. Grafton, VA 23694	0.001 acres 1/144 of 0.14 acres	0.0011%
(i.5) Danny Short 1112 Elm Street Suffolk, VA 23434	0.001 acres 1/144 of 0.14 acres	0.0011%
(i.6) Delma S. Grove 2741 Martha Drive Chesapeake, VA 23323	0.001 acres 1/144 of 0.14 acres	0.0011%
(i.7) Dawn Short Robey 2749 Martha Drive Chesapeake, VA 23323	0.001 acres 1/144 of 0.14 acres	0.0011%
(i.8) Dianna Short Barney 3 Windmere Heights Bristol, VA 24201	0.001 acres 1/144 of 0.14 acres	0.0011%
(j) Max O. Short Heirs, Devisees, Successors or Assigns		
(j.1) Marie (Frances) Short, widow 9 Morris Street, Apt.2 Portsmouth, VA 23702	0.003 acres 7/288 of 0.14 acres	0.0038%
(j.2) Mary Ann Rowe 9 Morris Street, Apt.2 Portsmouth, VA 23702	0.003 acres 7/288 of 0.14 acres	0.0038%
(j.3) Carrol J. Short 3263 Asbury Square Atlanta, GA 30346	0.003 acres 7/288 of 0.14 acres	0.0038%

BK1094PG0724

Exhibit E
Unit FF-38

Docket #VGOB 03-1021-1207-02

List of Conflicting Owners/Claimants that require escrow
(89.37 Acre Unit)

	Acres in Unit	Interest in Unit
(k) John D. Short 6178 Knotts Creek Lane Suffolk, VA 23435 (Deceased - documentation pending)	0.01 acres 7/96 of 0.14 acres	0.0114%
(l) Wanda Simmons Heirs, Devisees, Successors or Assigns		
(l.1) Michael Simmons 687 Forest Hills Dr. Pounding Mill, VA 24637	0.001 acres 7/768 of 0.14 acres	0.0014%
(l.2) Bernard Simmons Heirs, Devisees, Successors or Assigns		
(l.2.1) Bernard Rolf Simmons Marital Trust 16308 Old Jonesborough Rd. Bristol, VA 24202	0.001 acres 7/768 of 0.14 acres	0.0014%
(l.3) Dennis Simmons 109 Eagle St. Richlands, VA 24641	0.001 acres 7/768 of 0.14 acres	0.0014%
(l.4) Norma Lee Heirs, Devisees, Successors or Assigns		
(l.4.1) Robert Lee 751 Terry Dr. Richlands, VA 24641	0.001 acres 7/768 of 0.14 acres	0.0014%
(l.5) Billy R. Simmons P.O. Box 45 Doran, VA 24612	0.001 acres 7/768 of 0.14 acres	0.0014%
(l.6) Jack Simmons 764 Terry Drive Richlands, VA 24641	0.001 acres 7/768 of 0.14 acres	0.0014%
(l.7) Sandra Spruell 11 23rd St, SW Roanoke, VA 24014	0.001 acres 7/768 of 0.14 acres	0.0014%
(l.8) Renee Younce Address Unknown	0.001 acres 7/768 of 0.14 acres	0.0014%
(2) Knox Creek Coal Corporation P.O. Box 519 Raven, VA 24639	0.02 acres 1/8 of 0.14 acres	0.0196%

Tract #2K, 1.75 acresCOAL OWNERSHIP

(1) Coal Mountain Mining Company, Tr.40 Limited Partnership, L.L.P. P.O. Box 675 Tazewell, VA 24651	1.75 acres	1.9582%
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BK1094PG0725

Exhibit E
Unit FF-38

Docket #VGOB 03-1021-1207-02

List of Conflicting Owners/Claimants that require escrow
(89.37 Acre Unit)

	Acres in Unit	Interest in Unit
<u>OIL & GAS OWNERSHIP</u>		
(1) Commonwealth of Virginia Department of Transportation 870 Bonham Road Bristol, VA 24201-2002	1.75 acres	1.9582%

List of Conflicting Owners/Claimants with Royalty Split Agreements
(89.37 Acre Unit)

	Acres in Unit	Interest in Unit	Percent of Escrow
<u>Tract #1B, 6.75 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Coal Mountain Mining Company, Tr.18 Limited Partnership, L.L.P. P.O. Box 675 Tazewell, VA 24651	6.75 acres	7.5529%	
<u>OIL & GAS OWNERSHIP</u>			
Sterling Ball, et al.	6.75 acres	7.5529%	
(6) Ida Ball Stilwell Heirs, Devisees, Successors or Assigns			
(d) Flossie Stilwell Osborne Heirs, Devisees, Successors or Assigns			
(d.7) Sylvia A. Shelton Byrd 549 Jacks Creek Road Raven, VA 24639	0.0134 acres 1/504 of 6.75 acres	0.0150%	0.0168%
(e) Sylvester Stilwell Heirs, Devisees, Successors or Assigns			
(e.2) Jay C. Stilwell Heirs, Devisees, Successors or Assigns			
(e.2.1) Connie Stilwell, widow P. O. Box 723 Raven, VA 24639	0.0134 acres 1/504 of 6.75 acres	0.0150%	n/a
<u>Tract #2B, 41.85 acres</u>			
<i>The effect Deed of Confirmation dated 7/30/09, James Short 72.5% CBM rights / Coal Mountain 27.5% CBM rights.</i>			
<u>COAL OWNERSHIP</u>			
(1) Coal Mountain Mining Company, Tr.40 Limited Partnership, L.L.P. P.O. Box 675 Tazewell, VA 24651	41.85 acres	46.8278%	
<u>OIL & GAS OWNERSHIP</u>			
(1) James M. Short 181 Vickey Drive Richlands, VA 24641	41.85 acres	46.8278%	n/a
<u>Tract #2C, 1.10 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Coal Mountain Mining Company, Tr.40 Limited Partnership, L.L.P. P.O. Box 675 Tazewell, VA 24651	1.10 acres	1.2308%	

List of Conflicting Owners/Claimants with Royalty Split Agreements
(89.37 Acre Unit)

	Acres in Unit	Interest in Unit	Percent of Escrow
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OIL & GAS OWNERSHIP(1) Carl N. Ball, et ux. Heirs, Devisees,
Successors or Assigns

(a) David D. Ball 384 Leonards Drive Raven, VA 24639	1.10 acres	1.2308%	n/a
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Tract #2D, 3.31 acresCOAL OWNERSHIP

(1) Coal Mountain Mining Company, Tr.40 Limited Partnership, L.L.P. P.O. Box 675 Tazewell, VA 24651	3.31 acres	3.7037%	
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OIL & GAS OWNERSHIP(1) Carl N. Ball, et ux. Heirs, Devisees,
Successors or Assigns

(a) David D. Ball 384 Leonards Drive Raven, VA 24639	3.31 acres	3.7037%	n/a
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Tract #2F, 3.17 acresCOAL OWNERSHIP

(1) Coal Mountain Mining Company, Tr.40 Limited Partnership, L.L.P. P.O. Box 675 Tazewell, VA 24651	3.17 acres	3.5471%	
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OIL & GAS OWNERSHIP

(1) David Eugene Short 4150 Road Ridge Turnpike Raven, VA 24639	3.17 acres	3.5471%	n/a
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Note: Previously identified as having a royalty split, this was incorrect and will need to be fixed internally as no money was escrowed from this tract

Note: CBM ownership was adjudicated to the prevailing plaintiffs under Case no. CL 10-1036 executed in the corrected order dated February 23, 2011 they were awarded 100% of the Coalbed Methane Gas underlying this tract. Royalties will be paid 100% to the prevailing plaintiffs.

BK1094PG0723

Exhibit EE
Unit FF-38

Docket #VGOB 03-1021-1207-02

List of Conflicting Owners/Claimants with Royalty Split Agreements
(89.37 Acre Unit)

	Acres in Unit	Interest in Unit	Percent of Escrow
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Tract #2G, 3.76 acresCOAL OWNERSHIP

(1) Coal Mountain Mining Company, Tr.40 Limited Partnership, L.L.P. P.O. Box 675 Tazewell, VA 24651	3.76 acres	4.2072%	n/a
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OIL & GAS OWNERSHIP

(1) Russel J. Short, et ux. P.O. Box 363 Swords Creek, VA 24649	3.76 acres	4.2072%	9.4173%
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Note: CBM ownership was adjudicated to the prevailing plaintiffs under Case no. CL 10-1036 executed in the corrected order dated February 23, 2011 they were awarded 100% of the Coalbed Methane Gas underlying this tract. Royalties will be paid 100% to the prevailing plaintiffs.

Tract #2H, 10.23 acresCOAL OWNERSHIP

(1) Coal Mountain Mining Company, Tr.40 Limited Partnership, L.L.P. P.O. Box 675 Tazewell, VA 24651	10.23 acres	11.4468%	n/a
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OIL & GAS OWNERSHIP

(1) Johnie H. Short P.O. Box 227 Richlands, VA 24641	10.23 acres	11.4468%	25.6220%
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Note: CBM ownership was adjudicated to the prevailing plaintiffs under Case no. CL 10-1036 executed in the corrected order dated February 23, 2011 they were awarded 100% of the Coalbed Methane Gas underlying this tract. Royalties will be paid 100% to the prevailing plaintiffs.

Tract #2I, 2.94 acresCOAL OWNERSHIP

(1) Coal Mountain Mining Company, Tr.40 Limited Partnership, L.L.P. P.O. Box 675 Tazewell, VA 24651	2.94 acres	3.2897%	n/a
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OIL & GAS OWNERSHIP

(1) Buford E. Short 3929 Road Ridge Turnpike Raven, VA 24639	2.94 acres	3.2897%	7.3635%
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Note: CBM ownership was adjudicated to the prevailing plaintiffs under Case no. CL 10-1036 executed in the corrected order dated February 23, 2011 they were awarded 100% of the Coalbed Methane Gas underlying this tract. Royalties will be paid 100% to the prevailing plaintiffs.

BK1094PG0729

Exhibit EE
Unit FF-38

Docket #VGOB 03-1021-1207-02

List of Conflicting Owners/Claimants with Royalty Split Agreements
(89.37 Acre Unit)

	Acres In Unit	Interest In Unit	Percent of Escrow
<u>Tract #2J, 0.76 acres</u>			
<u>COAL OWNERSHIP</u>			
(1) Coal Mountain Mining Company, Tr.40 Limited Partnership, L.L.P. P.O. Box 675 Tazewell, VA 24651	0.76 acres	0.8504%	n/a
<u>OIL & GAS OWNERSHIP</u>			
(1) Buford E. Short 3929 Road Ridge Turnpike Raven, VA 24639	0.76 acres	0.8504%	1.9035%

Note: CBM ownership was adjudicated to the prevailing plaintiffs under Case no. CL 10-1036 executed in the corrected order dated February 23, 2011 they were awarded 100% of the Coalbed Methane Gas underlying this tract. Royalties will be paid 100% to the prevailing plaintiffs.

Exhibit A-1
 BK1094P60730 Tract-by-Tract Escrow Calculation
 Account Balances as of 2/28/2011

Unit FF38
 VGOB 03-1021-1207-02
 Acres Escrowed: 39.92660

Owners	Tract #	Acres	Interest	Owners' Percent of Escrow (50%)	Amount Due Owners \$149,635.82
Coal Mountain Mining Co. Limited Partnership, LLP - Coal	1b	6.73660		0.0168%	\$25.10
Sterling Ball, et al - O&G		6.75			
Sylvia A. Shelton Byrd			1/504	0.0168%	\$25.10
Coal Mountain Mining Co. Limited Partnership, LLP - Coal	2g	3.76		9.4173%	\$14,091.63
Russel J. Short, et ux - O,G & CBM					
Coal Mountain Mining Co. Limited Partnership, LLP - Coal	2h	10.23		25.6220%	\$38,339.71
Johnie H. Short - O,G & CBM					
Coal Mountain Mining Co. Limited Partnership, LLP - Coal	2i	2.94		7.3635%	\$11,018.45
Bulford E. Short - O,G & CBM					
Coal Mountain Mining Co. Limited Partnership, LLP - Coal	2j	0.76		1.9035%	\$2,848.31
Bulford E. Short - O,G & CBM					

Wells contributing to the escrow account: FF38 and FF38A

INSTRUMENT #110001606
 RECORDED IN THE CLERK'S OFFICE OF
 TAZEWELL COUNTY ON
 MAY 20, 2011 AT 04:22PM
 JAMES E. BLEVINS, CLERK
 RECORDED BY: ADR